

Supporting Statement for Paperwork Reduction Act Submission
Injurious Wildlife; Importation Certification for Live Fish and Fish Eggs
OMB Control Number 1018-0078
50 CFR 16.13
February 11, 2004

Section A. Justification

1. Explain why you need to collect this information. Identify any legal or administrative requirements that necessitate this information collection.

The Lacey Act (18 U.S.C. 42) (“Act”) prohibits the possession or importation of any animal or plant deemed to be and prescribed by regulation to be injurious, to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. The Department of the Interior is charged with enforcement of this act.

The Act and our regulations at 50 CFR 16 allow the importation of animals classified as injurious if specific criteria are met. The information collection for which we are requesting emergency OMB approval has been used to determine if these criteria are being met. Specifically, this collection allowed us to approve the importation of live salmonids or their reproductive products into the United States.

The importation of salmonids or their reproductive products is a three-step process. The first step is a request by the importer to bring the animals into the country. The request must provide information on the source and destination of the animals or reproductive products, as well as the numbers, species, and life stage of the desired import. The second step requires a health certification be submitted by a certified Title 50 inspector. The animals or reproductive products to be imported must be inspected for specific pathogenic organisms. This certification must contain specific information about the animals or reproductive products to be imported and the finding of the disease assays performed. In addition, the certification must provide the site of border crossing, dates of importation, and other information aimed at accurately identifying the proposed imported animals and reproductive products. This allows the Service to track the animals and ensure the safety of both the commercial and natural aquatic resources of the United States. The Director of the Service is authorized (by 50 CFR 16.13(b)(1)) to designate certifying Title 50 inspectors. In order to ensure the qualifications of Title 50 inspectors, we require information from the inspectors regarding their professional credentials and facilities to be used in performing Title 50 inspection work. The final step in the process is to consult with the State natural resource agency of the State of import and ensure that agency agrees with issuance of a permit. If no objections are raised by the State and the health certificate is in order, an authorization for importation is issued.

2. Explain how FWS will use the information. If this is not a new collection, explain how FWS has used the information received.

The collection of the Importation Request has been/will be used to determine what fish or fish reproductive product importations are being requested. The Service will use this information to ensure the safety of these shipments and to track and control these importations.

The collection of the Certification Form has been/will be used by Title 50 certified inspectors to affirm the health status of the fish or their reproductive products to be imported. They will also provide information on the location and dates of the proposed importations so that the Service can track and monitor them.

The collection of the Certifying Official Form has been/will be used to collect data to assess the professional qualifications and facilities available for the applying individual to become a certified Title 50 inspector. These certifications last 5 years.

Over all, this information has been/will be used to facilitate the importation of fish and their reproductive products while protecting U.S. commercial and natural aquatic resources.

3. Does this information collection use automated, electronic, mechanical, or other technological techniques? Provide the reasons for the decision to adopt this means of collection. Describe any consideration you gave to using information technology to reduce burden on the public.

The Importation Request form (FW 3-2275) may be received by e-mail, and we expect more people will begin to use e-mail to submit this information. We estimate that approximately 10% of the responses for FW 3-2275 (or 5% of the total annual responses for the complete collection) will use e-mail to submit this form.

The remaining two forms (FW 3-2273 and FW 3-2274) require an original signature and therefore cannot be submitted electronically at this time. We intend to make these forms, as well as FW 3-2275, available online at <http://forms.fws.gov> as .pdf fillable files. Respondents would be able to complete the forms online, but then they must mail the forms to us. This information collection would not (at least initially) be an electronic transaction (i.e., the ability to submit the forms electronically) because we do not yet have digital signature capability, and we need an original signature on these forms. When digital signature capability becomes available in the Service, we will consider allowing electronic submission of these forms.

4. Describe efforts to identify duplication. Show why similar information already available cannot be used or modified.

No similar information is collected by the Fish and Wildlife Service or any other Federal

agencies.

5. If the collection will have a significant impact on small entities, such as small businesses, describe methods used to minimize burden on them.

The impact on small entities will be minimal, amounting to only the small number of hours required to fill out the forms. However, if this collection is not approved, the impact on small businesses could be significant, as ceasing this collection would prevent small entities from importing fish or their reproductive products that may be vital to those businesses.

6. Describe the consequences to Federal programs or policies if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the Service were to cease collecting this information, the importation into the United States of fish and their reproductive products would have to stop. If importation were to continue without this information collection, it would jeopardize the health of our nation's commercial and natural fishery resources because we would not have the information we need to assess the health of, monitor, or track imported fish or their reproductive products. Ceasing the importation of fish and their reproductive products would negatively impact U.S. fisheries and may create tensions with our international trading partners.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable. There are no special circumstances that require this collection to be conducted in a manner inconsistent with OMB guidelines.

8. Cite and provide a copy of the 60-day Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received on the 60-day notice, and describe actions taken by FWS in response to those comments. Specifically address comments received on cost and hour burden. Describe your efforts to consult with persons outside of FWS to obtain their views on the availability of data; frequency of collection; clarity of instructions, disclosure, or reporting format; and data elements to be recorded, disclosed, or reported. Include names and contact information for persons consulted. Consultation should include obtaining their views on the amount of burden to be imposed and ways to minimize the burden. If circumstances prevent this consultation, describe them.

As this is an emergency request for OMB approval of this information collection, we have not published any notice for public comments in the Federal Register. However, we intend to begin the regular process for requesting OMB approval of this information collection in conjunction with this emergency request, and as a part of that process, we will publish notice in the Federal Register and consult with persons outside of the Service regarding this collection.

9. Explain any decision to provide a gift or payment to respondents, other than remuneration of contractors and grantees.

Not applicable. We do not provide any gifts or payments to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or policy.

No assurance or guarantee of privacy is made to respondents with regard to any of the information collected.

11. Provide justification for any questions of a sensitive nature. Include the reasons why the questions are necessary, the specific uses for the information, the explanation given to respondents, and steps taken to obtain respondents' consent.

Not applicable. There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the information collection. Include an estimate of the dollar value of the burden hours.

Below are estimated times and dollar values associated with completion of the three information collections. Number of respondents and responses are estimated based on previous collections. Time burden for each response is estimated based on the actual time required to completely fill out the form. Dollar values are calculated by multiplying the time burden by an approximate hourly wage of those individuals completing the form.

| Type of Collection | Form Number | Annual Number of Respondents | Annual Number of Responses | Hour Burden per | Total Annual Burden | Dollar Value of Total |
|--------------------|-------------|------------------------------|----------------------------|-----------------|---------------------|-----------------------|
|--------------------|-------------|------------------------------|----------------------------|-----------------|---------------------|-----------------------|

| | | | | Response | Hours | Annual Burden Hours |
|---|-----------|----|-----|----------|----------|---------------------|
| Importer's request to import fish or fish reproductive products | FW 3-2275 | 25 | 50 | 0.25 | 12.5 hrs | \$313.00 |
| Health certification of fish or fish eggs | FW 3-2274 | 25 | 50 | 0.50 | 25 hrs | \$875.00 |
| Application to be a designated official | FW 3-2273 | 16 | 16 | 1 hr | 16 hrs | \$560.00 |
| TOTALS | | | 116 | | 53.5 hrs | \$1748.00 |

13. Provide an estimate for the total annual non-hour dollar cost burden to respondents or recordkeepers. Do not include the cost of burden hours described in items 12 and 14.

Not applicable. There is no non-hour dollar cost burden to respondents. There is no application fee associated with certifying fish and fish eggs for importation into the United States.

14. Provide estimates of the annual cost to the Federal Government. Include a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

Below are estimated times and dollar values associated with processing the three information collections. Number of responses is estimated based on previous collections. Time burden for each response is estimated based on the time required to completely process the form. Dollar values are calculated by multiplying the time burden by an approximate hourly wage of those individuals processing the form.

| Type of Collection | Form Number | Annual Number of Responses Received | Hour Burden to Address Each Response | Total Annual Burden Hours | Dollar Value of Total Annual |
|--------------------|-------------|-------------------------------------|--------------------------------------|---------------------------|------------------------------|
| | | | | | |

| | | | | | Burden Hours |
|---|-----------|-----|------|----------|--------------|
| Importer's request to import fish or fish reproductive products | FW 3-2275 | 50 | 1.0 | 50 hrs | \$1750.00 |
| Health certification of fish or fish eggs | FW 3-2274 | 50 | 0.25 | 12.5 hrs | \$438.00 |
| Application to be a designated official | FW 3-2273 | 16 | 0.50 | 8 hrs | \$280.00 |
| TOTALS | | 116 | | 70.5 hrs | \$2468.00 |

15. Provide the reasons for any program changes or adjustments reported in items 13 or 14 of OMB 83-I.

We are requesting that OMB reinstate, with change, the approval of an information collection that expired in February 1995. At that time, we inadvertently allowed this collection to expire. We have been collecting information since that time without OMB approval, and we need to continue to collect this information to ensure that live fish and their reproductive products can continue to be imported into the United States without jeopardizing our commercial and natural aquatic resources. The change requested is two-fold: (1) We just created brand-new forms to collect this information, which was previously only outlined in our regulations at 50 CFR 16.13. These new forms should increase efficiency and uniformity, thereby reducing the time burdens on both the respondents and the individuals processing the information; and (2) We updated the annual number of respondents and the total annual burden hours. When originally approved (from 2/1992 through 2/1995), this collection had 180 respondents and 60 burden hours. Our new estimates show a slight reduction in the number of respondents and corresponding burden hours.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable. The results of our collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the

information collection, explain the reasons that display would be inappropriate.

Not applicable. We will display the OMB expiration dates on the forms.

18. Explain each exception to the certification statement identified in item 19 of OMB 83-I.

Not applicable. There are no exceptions to the certification statement identified in item 19 of the OMB 83-I.

Section B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.